

REMARKS

Claims 1-3 were in the application as originally filed. Claim 2 has been cancelled and new Claims 4-11 have been added. No Claim stands allowed.

Claims 1-3 stand rejected under 35 USC §102(b) as anticipated by Ditzig ('021 patent).

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinen fabric GMBH v. American Hoist & Derrick*, 221 USPQ 481,485 (Fed. Cir. 1984).

Applicant respectfully submits that Ditzig, the '021 patent, fails to meet this test for anticipation under 35 USC §102(b).

Specifically, Claim 1, as amended calls for, among other things, the steps of:

“forming a cover”

“forming a tray with a front, a spine and a back separably attached to one another”

“applying adhesive to said tray, and placing said tray on said cover”

and

“thereafter and prior to fixation of said adhesive, closing said cover and allowing said adhesive to cure”.

Ditzig discloses formation of a “tray” which includes top and bottom elements of the tray which are attached to a layer of sheet material. This subassembly is thereafter “attached” to a “cover”. This latter action is an immediate fixation of the tray to the cover as described at col. 6, lines 26 et. seq. as follows:

“In order to assemble the video cassette container-display assembly, the outer shell, jacket and casing is attached to the exterior surface of the video cassette storage case, such as by double sided adhesive tape, or by snugly placing the internal corner-receiving pockets or peripheral flap over the corners or peripheral edges of the video cassette storage

case. The video tape cassette can then be placed in the video cassette storage case.

In use, the video cassette storage case is opened and the video tape cassette is snugly placed and seated in the video cassette receiving portions (flanges) of the storage case. The storage case can then be closed and one of more display cards or labels can be inserted into the pockets of the outer shell, jacket, and casing."

Thus, Ditzig fails to disclose Applicant's claimed steps of (a) "forming a tray with a front, a spine and a back separably attached to one another", (b) "applying adhesive to said tray, placing said tray on said cover", and (c) thereafter, and prior to fixation of said adhesive, closing said cover and allowing said adhesive to cure".

It is therefore respectfully requested that the rejection of Claims 1 and 3 (Claim 2 has been cancelled) under 35 USC §102(b) as being anticipated by Ditzig, be withdrawn.

Claims 1-3 stand rejected as being obvious in view of Ditzig ('021 patent).

Applicant respectfully contends that Ditzig fails to disclose, teach, or suggest the method set forth in Claims 1 and 3.

Specifically, as noted hereinabove, Ditzig discloses a method for forming a video cassette holder wherein there is initially formed a "video cassette container-display assembly" comprising an outer shell, jacket and casing subassembly. This subassembly is thereafter "attached" to a cover as by "double sided adhesive tape, or by snugly placing the internal corner-receiving pockets (of the cover) over the corners or peripheral edges of the video cassette storage case. (col. 6, lines 26 et. seq.) (see elements 72 and 73 of Figure 3 and elements 80 and 81 of Figure 8). Thus, in Ditzig, the "attachment" of the preassembled "outer shell, jacket and casing" which defines the video cassette container" there is no disclosure nor suggestion to one skilled in the art that the "attachment" of the cassette holder should be effected by means of an adhesive disposed between the tray and its outer cover and thereafter and prior to fixation of the adhesive, closing the outer cover and the accompanying tray and allowing the adhesive to cure. In the method claimed by Applicant, the closing of the

cover and tray, with the uncured adhesive therebetween) permits repositioning of the tray relative to the underlying cover as a function of the differential stresses applied to the hinged interconnections of the cover to its spine and the hinged interconnections of the tray to its spine, with resultant repositioning of the tray within its cover prior to curing of the adhesive. Such action is not possible when employing the "double-backed adhesive tape" disclosed by Ditzig. Use of corner pockets or edge pockets associated with the Ditzig cover for receiving the corners or side edges of the cassette container (tray) fails to provide the secured attachment of the tray to its cover as is attained by Applicant's claimed method.

It is therefore respectfully requested that the rejection of Claims 1 and 3 (Claim 2 has been cancelled) as being obvious in view of Ditzig ('021 patent) be withdrawn.

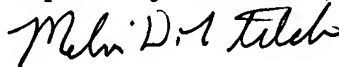
New Claims 4-11 set forth the method of the present invention employing specific aspects of the method. Claims 4 and 5 are independent Claims and Claims 6-11 are dependent from Claim 5, either directly or indirectly.

Allowance of Claims 4-11 is urged for the same reasons, among others, as set forth herein above in discussing the allowability of Claims 1 and 3.

Concurrently herewith there is filed a request for extension of time to respond to the above noted Examiner's communication. It is requested that the fee for this extension of time be charged to our Deposit Account No. 09-0525.

Reconsideration of the application and allowance of Claims 1 and 3-11 are respectfully requested.

Respectfully submitted,



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